

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U 338-E) for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs.	Application 00-11-038 (Filed November 16, 2000)
Emergency Application of Pacific Gas and Electric Company to Adopt a Rate Stabilization Plan. (U 39 E)	Application 00-11-056 (Filed November 22, 2000)
Petition of The Utility Reform Network for Modification of Resolution E-3527.	Application 00-10-028 (Filed October 17, 2000)
Application of Pacific Gas and Electric Company For Authority to Establish Post-Transition Period Electric Ratemaking Mechanisms.	Application 99-01-016 (Filed January 15, 1999)
Application of San Diego Gas & Electric Company For Authority to Implement Post Rate Freeze Ratemaking Mechanisms.	Application 99-01-019 (Filed January 15, 1999)
Application of Southern California Edison Company to (1) Propose a Method to Determine and Implement the End of the Rate Freeze; and (2) Propose Ratemaking Mechanism Which Should Be In Place After The End of The Rate Freeze Period.	Application 99-01-034 (Filed January 15, 1999)

**DECISION DISMISSING CONSIDERATION OF TURN
INTERVENOR COMPENSATION CLAIM**

The Utility Reform Network (TURN) filed a request for intervenor compensation under Sections 1801-1812 of the California Public Utilities Code on November 22, 2002. An amended request was filed on November 25, 2002. The request pertains to legal fees and costs incurred in connection with judicial review of Decision (D.) 99-10-057, D.00-03-058, and D.01-03-082 issued by the Commission. The expenses have been incurred in two federal court proceedings: (1) *Southern California Edison v. Lynch*, No. CV-00-12056-RSWL (C.D.Cal. filed Nov. 13, 2000), 307 F.3d 794 (9th Cir. 2002); and (2) *PG&E v. Lynch*, No. C-01-03023 VRM (N.D. Cal. filed Aug. 6, 2001). On February 24, 2003, the Chief Administrative Law Judge issued a ruling deferring consideration of the compensation request until the proceedings for which compensation is sought were concluded.

Without final determinations in these cases, the Commission is unable to evaluate the intervenor compensation request pursuant to Sections 1801-1812 of the Public Utilities Code and the criteria set forth in the Commission's previous decisions. After consultation with counsel for TURN, we have concluded that the most appropriate course of action at this time is to deny the pending request for compensation without prejudice. TURN may file a new claim in the future when the courts have rendered final determinations in the cases at issue.

Waiver of Comments on Draft Decision

Pursuant to Rule 77.7(f)(6), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Loretta M. Lynch is the Assigned Commissioner and Christine M. Walwyn is the assigned Administrative Law Judge (ALJ) in Application (A.) 00-11-038, A.00-11-056 and A.00-10-028. Susan P. Kennedy is the Assigned Commissioner

and Angie K. Minkin is the assigned ALJ in A.99-01-016, A.99-01-019, and A.99-01-034.

Finding of Fact

Final determinations have not been reached in the federal court cases for which TURN claims compensation in its November 22, 2002 (as amended on November 25, 2002) request for compensation.

Conclusion of Law

Without final determinations in these federal court cases, the Commission is unable to evaluate TURN's compensation request pursuant to Sections 1801-1812 of the Public Utilities Code.

O R D E R

Therefore, **IT IS ORDERED** that:

1. The Utility Reform Network's November 22, 2002 (as amended on November 25, 2002) request for intervenor compensation is denied without prejudice to future refiling.
2. This decision is effective today.

Dated _____, at San Francisco, California.

Compensation Decision Summary Information

Compensation Decision(s):	
Contribution Decision(s):	D9910057, D0003058, D0103082
Proceeding(s):	A0011038, A0011056, A0010028, A9901016, A9901019, A9901034
Author:	ALJ Walwyn, ALJ Minkin
Payer(s):	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Reason Change/Disallowance
The Utility Reform Network	11/22/02	\$589,492.79	0	premature

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
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